

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **September 12, 2006**

AGENDA ITEM NO.: **17**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Street Dedication Request--Extension of Bradley Drive, off Mayflower Drive**

RECOMMENDATION: Approval of resolution to approve the public street dedication request

SUMMARY: Land Group, II is requesting to dedicate 1.826 acres for right-of-way for the proposed public street extension of Bradley Drive, an existing street located on the east side of Mayflower Drive.

PRIOR ACTION(S):

August 23, 2006: Planning Division recommended approval
Planning Commission recommended approval (7-0)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING THE DEDICATION OF RIGHT-OF-WAY TO EXTEND A PUBLIC STREET AND TO NAME THE STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that approval is given for the extension of "Bradley Drive" shown on a plat entitled "Plat Showing Subdivision of Parcel G Containing 1.826 Acres of Property Land Group II," made by Nickson Land Surveying, LLC, dated August 12, 2006, which shows an extension of right-of-way, and the same is hereby approved and accepted, contingent upon filing a properly executed subdivision plat in the Clerk's Office of the Circuit Court of Lynchburg, the filing of approved street and utility plans, filing the necessary construction bonds, and construction of the street consistent with the above referenced plat and in accordance with City standards.

BE IT FURTHER RESOLVED That the extension of said road shall be named "Bradley Drive."

Adopted:

Certified:

Clerk of Council

109L

THE DEPARTMENT of COMMUNITY DEVELOPMENT
City Hall, Lynchburg, VA 24504 434.455.3900

To: Planning Commission
From: Planning Division
Date: August 23, 2006
RE: PUBLIC STREET DEDICATION REQUEST—EXTENSION OF BRADLEY DRIVE

I. APPLICANT

Property Owner: Land Group, II, P. O. Box 1197, Lynchburg, VA 24505-1197

Representative: Russell E. Nixon, Nixon Land Surveying, LLC, 1063C Airport Road, Lynchburg, VA 24502

II. LOCATION

The subject property is a proposed new lot containing 1.826 acres located at the end of Bradley Drive, off Mayflower Drive in the First Lynchburg Industrial Park. This would leave a residue tract containing 14.313 acres.

III. PURPOSE

The purpose of the request is to dedicate 0.161 acre for right-of-way for the proposed public street extension of Bradley Drive, an existing public street off Mayflower Drive.

IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing I-3 Heavy Industrial District.
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.

The Planning Division recommends approval of the public street dedication request.

V. FINDINGS OF FACT

1. **Background.** Russell E. Nixon, Nixon Land Surveying, LLC, is requesting to dedicate 0.161 acre for right-of-way for the proposed public street extension of Bradley Drive, an existing public street off Mayflower Drive. The proposed street would extend Bradley Drive, with sixty (60) feet of right-of-way in a southeasterly direction for approximately 117 feet to its terminus at property owned by Land Group II.
2. **Zoning.** The subject property is zoned I-3, Heavy Industrial District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the street extension request.
4. **Proposed Use of Property.** The new street extension will serve proposed New Parcel G for Carolina North, LLC.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary plat entitled "Parcel 'G' Containing 1.826 Acres Property of Land Group II" on August 1, 2006. The TRC had the following comments of significance to the consideration of the street extension dedication:
 - "Plat approval is conditional based on status of the road-water-sewer plans and their construction."
 - "Why does the new Bradley Drive right-of-way shift 4.70 feet to the north (Berkley-Howell & Associates had submitted a plat of correction for this on December 18, 2005 which was never finalized.)"

Mary Jane Russell, Director of Economic Development, explained that the shift in the Bradley Drive right-of-way occurred because of a mistake either in the subdivision plat or the road-water-sewer plans by Berkley-Howell, Inc. Berkley-Howell, Inc. submitted a Plat of Correction; however, this meant negotiating with LynTool after the City had delayed the construction of Bradley Drive past LynTool's construction completion. She said basically this portion of the street (in front of LynTool) is not built in the center of the right-of-way. She would like to see if there is a better curve adjustment or alignment adjustment that could be made, and there are meetings scheduled to discuss this.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street extension of "Bradley Drive" to be constructed in substantial compliance with the "Plat Showing Subdivision of Parcel 'G' Containing 1.826 Acres Property of Land Group II," by Nixon Land Surveying, LLC, dated August 12, 2006. The dedication of the extension of Bradley Drive and its acceptance as a public street is contingent on Land Group, II filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Bradley Drive as a public street null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Russell E. Nixon, Representative

VII. ATTACHMENTS

1. Plat Showing Subdivision of Parcel "G" Containing 1.826 Acres Property of Land Group, II by Nixon Land Surveying, LLC., dated August 12, 2006

MINUTES FROM THE PLANNING COMMISSION MEETING OF AUGUST 23, 2006. THE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE COMMISSION.

The purpose of the request is to dedicate 0.161 acre for right-of-way for the proposed public street extension of Bradley Drive, an existing public street off Mayflower Drive.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to City Council approval of the dedication of the public street extension of “Bradley Drive” to be constructed in substantial compliance with the “Plat Showing Subdivision of Parcel ‘G’ Containing 1.826 Acres Property of Land Group II,” by Nixon Land Surveying, LLC, dated August 12, 2006. The dedication of the extension of Bradley Drive and its acceptance as a public street is contingent on Land Group, II filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of the extension of Bradley Drive as a public street null and void.”

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale, Swienton, Worthington	7
NOES:		0
ABSTENTIONS:		0

SUBDIVISION APPROVED

THE SUBDIVISION OF THE LAND GROUP II PROPERTY IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

CLERK OF COUNCIL _____ DATE _____

DIRECTOR OF ENGINEERING _____ DATE _____

THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

DATE: _____ BY: _____

I, _____, A NOTARY PUBLIC
FOR THE COUNTY/CITY OF _____
IN THE STATE OF VIRGINIA DO CERTIFY THAT

WHOSE NAME(S) ARE SIGNED TO THE WRITING ABOVE,
BEARING THE DATE ON THE _____ DAY OF _____

HAVING ACKNOWLEDGED THE SAME BEFORE ME IN MY
COUNTY/CITY AFORESAID GIVEN UNDER MY HAND
THIS, _____ DAY OF _____

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

LINE TABLE		
LINE	BEARING	LENGTH
L1	N22°57'33"E	5.61
L2	N22°41'38"E	60.00
L3	N67°18'22"W	116.46
L4	S22°57'33"W	4.70
L5	S22°57'33"W	55.30

CURVE TABLE				
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING
C1	28°35'43"	159.78	320.11	S 70°35'17" E

NOTES:

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.

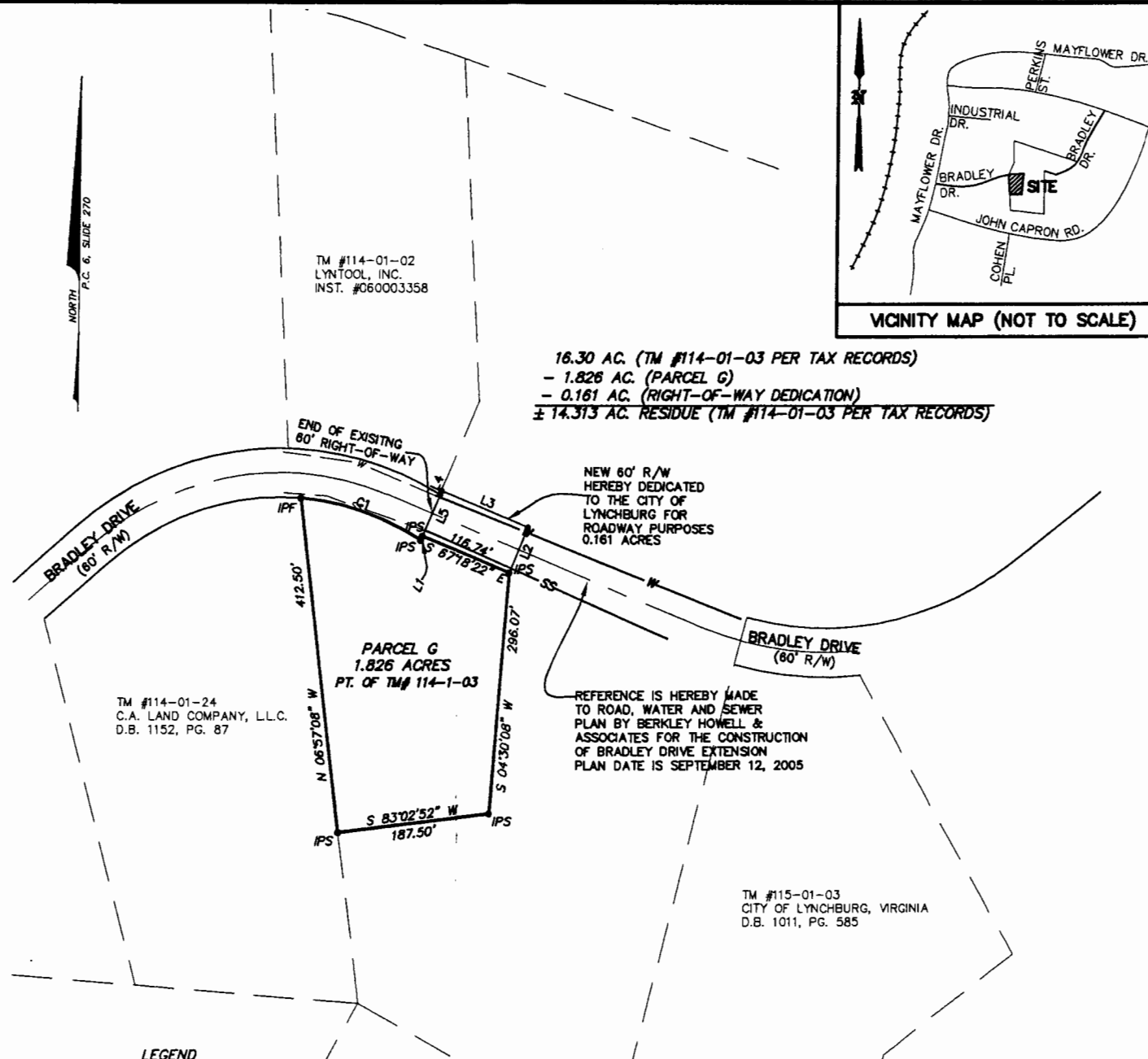
THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THE AREA SHOWN IS LOCATED IN ZONE 'C' AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS SHOWN ON A MAP BY F.E.M.A. ON MAP NO. 510093 0010B, DATED 9/01/78

PROPERTY TO BE SERVED WITH PUBLIC SEWERAGE SYSTEM AND PUBLIC WATER SYSTEM

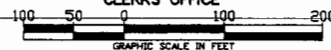
EXISTING UTILITIES ARE BOTH OVERHEAD AND UNDERGROUND.

RESTRICTIONS IF ANY TO BE RECORDED SIMULTANEOUSLY WITH PLAT.

**LEGEND**

- IPF IRON PIN FOUND
- IPS IRON PIN SET

SOURCE OF TITLE:
LAND GROUP II
D.B. 583, PG. 290 AS
RECORDED IN THE
CITY OF LYNCHBURG
CLERKS OFFICE



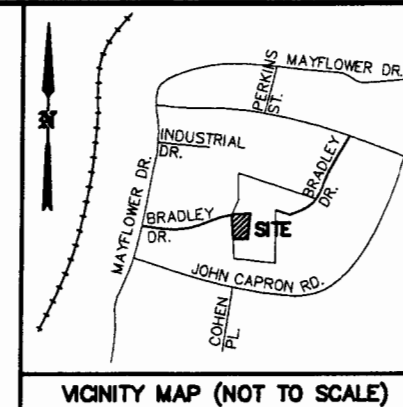
Nixon Land
Surveying, L.L.C.
1063C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-3600
Fax: (434) 237-0699
Email: nlsurveyor2588@peoplepc.com

DO NOT HAVE AN IRON PIN STAKE OR DISCARD ON THE FIELD OF
THE SURVEYOR. DISCARD 200' AWAY.

SURVEYED FOR: CAROLINA NORTH

PLAT SHOWING SUBDIVISION OF
PARCEL "G" CONTAINING 1.826 ACRES
PROPERTY OF LAND GROUP II
ON BRADLEY DRIVE
CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2006110 REVISED: 8/12/06
SCALE: 1"=100' DR. BY: MCM DATE: 8/21/06
SHEET: 1 OF 1 CHK. BY: REN DRY, NME, BND



RECEIVED

AUG 14 2006

COMMUNITY PLANNING
& DEVELOPMENT